

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OSCAR STILLEY

PLAINTIFF

v.

CASE NO. 3:19cv6-HTW-LRA

WARDEN RIVERS, ET AL.

DEFENDANTS

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**DEFENDANTS' MOTION TO DISMISS**

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Defendants Warden Christopher Rivers, Director J. F. Caraway, Director J. A. Keller, Federal Bureau of Prisons, The United States of America, U.S. Attorney General William Barr, former complex warden David Paul, and Director Kathleen Hawk Sawyer (hereinafter "Defendants") respectfully submit this Motion to Dismiss. In support of the motion, the Defendants contemporaneously file a Memorandum Brief and the following supportive documents:

Attachment 1: Declaration of Lisa Singleton;

Attachment 2: Attachment 1 to Singleton Declaration  
(Plaintiff's Administrative-Remedy Record).

## CONCLUSION

For the reasons stated in the Defendants' Memorandum Brief, Plaintiff's Complaint should be dismissed without prejudice.<sup>1</sup>

Respectfully submitted,

D. MICHAEL HURST, JR.  
*United States Attorney for the  
Southern District of Mississippi*

/s/ *Jennifer Case*

JENNIFER CASE  
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Dated: February 10, 2020

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<sup>1</sup> To the extent that the Court relies on evidence outside the pleadings, such as the evidence attached in support of the non-exhaustion discussion in the Defendants' Memorandum Brief, the Defendants ask that the Court convert such portion of the motion to one for summary judgment. *See, e.g., Jenkins v. United States*, 733 F. App'x 218, 219 (5th Cir. 2018) (affirming dismissal pursuant to motion for summary judgment proper in the context of an absolute-immunity argument).

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the Electronic Case Filing system (ECF). I certify that a true copy of the foregoing has been mailed via United States

Mail, postage prepaid, to the *pro se* plaintiff as follows:

**Pro Se Plaintiff**

Oscar Stilley  
Fed. Reg. No. 10579-062  
FCC Yazoo City Camp  
P. O. Box 5000  
Yazoo City, MS 39194

Dated: February 10, 2020

/s/ *Jennifer Case*

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JENNIFER CASE

*Assistant United States Attorney*